P.F. 59:694

G. R. S. IX-5]

Previous references. 1893-94

~~192~~ .

(K. K.)

File No. 1080/93

Serial Nos. 1-5

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1-5

Major ~~Part~~ B for November 1894

SUBJECT.

Appeal of Siddegowda regarding the Patelki of Kurimanti Village Seringa Patam Taluk.

Lower terms asked. Sept Enquiry

Indexed

WD 2223—GPB—20,000—14-6-20

Revenue Case regarding the hereditary of Potalia of Karimanu Village, Palakonda Taluq Srikakulam.

Till the year 1861 one Kuligonda was, Patel of Karimanu. After his death the name of Gouligonda was adopted but was required for the, Peddapatel. But the being a female continued Engaged did not perform the duties of Patel.

As the work suffered for want of a Patel the Revenue reported of the Sub. Collector Mr. Rocis recommending one Marigonda of the same family, for the Patelship was sanctioned. Since Marigonda performed the duties of Patel respectively till his death which occured in 1887.

Then Gouligonda petitioned the Revenue that property be restored to the Patel. Patel as he was the Husband of the deceased Marigonda was merely a temporary substitute appointed by Gouligonda because while he was very busy at home.

Kuligonda
Gouligonda
Gouligonda (Died)
Gouligonda
Marigonda
Marigonda — Patel
Gouligonda (Left)

He has a number reported no Patel

3 That he did not take upon himself exclusively the Polaili work from 1866 to 1887 till Marigowda's death but that he was taking help from Marigowda now & then with regard to Polaili work.

That he was also doing duty of Polaili even after Marigowda's death but the deft Siddegowda's son Marigowda did not give him the Register of Births & Deaths.

That he reported this to the Amildar who referred the same to the Sub. Dy. Collr that the latter decided that Siddegowda should do the work of Polaili but referred Gowdegowda to a regular Suit to establish his claim if any.

Deposn of Siddegowda deft was as follows.

1. That there were no Polails before 1863-4 to Karimanle
2. That he did not know Plaintiffs name & not into the Barabanle Register of 1861-2.
3. He produced the Kulvar chitte of 1864-5 which showed that there were no recognised Polails for that year.
4. That his father was added to the Polaili work in 1863-4

(5) He produced the Ba
Registers of 1863-64, 18
1872 + 1876 which sho
father was the per
was doing Potaili

6. He produced & Take
the Build as Address
father as Potail.

7. That his father went
Tripathy on leave in
appointing Gowdegow
a temperary substitu

After taking evidence o
sides the Sub Div officer
the suit on the following

1. The Plaintiff's name
not appear in the Ba
-tuti Register since 186
whereas the name
Marigowda father
has been mentioned
the man on duty.

2. There were no here du
Potails prior to 1861-

3. There are no record
show that the defts fa
was engaged by the P
to do work for him.

4 The Plaintiff acted f
father in 1877 when t
was on leave.

5 The appointment—o
plaintiff as Potaili aft
death of Marigowda
a mistake which wa
rectified.

Sub. Dr. offs No 1455. 16/3/88

No. 320/305. 26/6/89

Thus Govinda [illegible]
himself acquired Patil.

A year later the Rulers
made another report to the
Sub-Dr. offr stating that
Sidde Gowda was the
proper claimant as he
was the son of the late
Patil in question. The
Sub. Dr. offr accordingly
ordered Sidde Gowda
to pay the Patili usage
required Gowda sued
to a regular suit.

Hence a suit was filed
in the Court of the Asst Dr.
offr Fr. Rocks.

The Plaintiff Gowda deposed
deposed to the following effect

1. That his father Kullappa
became Patil of Kurihu
by rightful claim in 1861-
in succession to Ramlingappa

2. That he had in his possession
no other record except
the Saraladate Register [illegible]
that he had done the Patel
work for some years after
his father's death that
he requested Government
to do the Patili work for
him as he was then [illegible]
that he acted himself in
the Patil's stead after

5

(6) Though Plaintiff may Court himself had the he cannot oust the Defe who succeeded to the office by virtue of his father who was Postal since 1883 by

(7) The Plaintiff has lost his claim by his ~~laches~~ laxity over his rights if any, and affirmative or adverse pos session for 2 by yrs to Defts father & that the suit is therefore barred by limitation.

1893. On an appeal to the Dis. Court the suit was again dismissed on the grounds following.

1. The Plaintiff seeks in Relief Chitte of 1865 & that time was Postal & the witness stating he recommended the dep
2. That the plaintiff allowed marriage to be with consent whereas was a forgé is not satisfactory Evidence.
3. The Plaintiff has in adverse occasion acts as a substitute for Marriage.
4. It is barred by limitation

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(2)

(General Serial No. 32.)

1894.

No. 2771

Name of Petitioner. Gokul Gowda son of late Gahul Gowda.

Village. Hirisandra

Taluk. Hirisavige

District. Hassan

Date of Arzi.

Date of Receipt. 22-3-94

Date of Disposal.

No. of Enclosures. one two Rupees G.F. stamp.

ABSTRACT.

The judgment was dated 6-3-93 & the appeal was presented on 22-3-94 & the appeal was admitted on 30/3/94

Vide Reply No. 3 dated 30-3-94

In time.
Stamp sufficient.
Appeal can be received as a Civil Appeal.
Proceedings to be called for.
Post for hearing on the 27th instant.

6/4/94

Notice to Respondent issued.
Glue Gotia & Cost Rs.
Posted to 27 instant.

27/4/94

Respondent's Pleader
Notice served 5/5/94

Appeal against Hassan Deputy Commissioner's order, dated 6-12-93 on the following grounds:-

1) The Lower Court although it has found that the applicant farmed the land, yet did not give judgment in favour of the applicant.

2) Although it was shown that the Respondent's father was doing the cultivation personally yet the appeal was dismissed on the ground that it was not established by him. This is opposed to law.

3) The Lower Court failed to notice that the applicant during the [illegible] was found by the Amildar to be (4)

the Lower Court failed to notice
the fact that the husband was absented
on account of his attending Court by appointing
a substitute.

3) The Lower Court did not take the practice
+ custom into consideration.

4) The Lower Court failed to observe
that the Respondent's arguments were
false from the beginning.
The Lower Court was not supposed
to Care, Endorse + Receive
5) to the appellant's father like the
appellant entrusted the dispute.
Therefore that the said
Kabeli office may be registered in the Appellant's
name + that the order of the Lower
Court may be cancelled with costs.

20/13.

9

(General Serial No. 30.)

1894.

OFFICE OF THE
2033
17 AUG 94

Pet 1/4

From The Dy Commissioner, Mysore Distt

To The Chief Secretary to The Dewan

Dated 15/8/94

Despatched

Received

Enclosures No. 1 petition + file of papers (+ separate packet forwarded)

General No. 163
No.

Submits entire proceedings together with the petition of Karimuti Siddé Gowda, Seringapatam Taluk. The enclosures received with Secy's no Pet 1769 dy 25/4/94 are also returned.

Pet Branch
17.8.94

10

No 163
Petn & file of papers

Deputy Commissioners -00-
Mysore District

Dated Mysore 15th August

(6)

From

A. Rangaswami Iyengar Esquire
Deputy Commissione
Mysore Dis

To

The Chief Secretary to the
Government of Mysor
Bangalo

Sir

With reference to your o.m.
dated 25th April 1894 forwarding appeal
of Siddé Gowda of Karimanti, Seringap
Taluk, regarding the pateli of Karimant
and directing the Submission of the
Proceedings relating to the case, I ha
honor to submit herewith the entire P
together with the petition and enclos
received with the above.

I have the honor
Sir
Your most obedient S

Ea Chengiah L
for Deputy commissi
Mysore D

Compd.
Uby

MYSORE DEWAN'S OFFICE,

PETITION DEPARTMENT.

OFFICIAL MEMO

The accompanying Petition 2771
dated without date received at the
Dewan's Office from [illegible] Poreia, son of Pa
[illegible] of Virasandra praying that
[illegible] appealing against the order of
the Deputy Commissioner, regarding
Partition of [illegible] village

is forwarded, together with its enclosures, to the Deputy Commissioner
Mysore District for submission of
the Proceedings ~~with a report on the~~
~~case.~~ ~~in the petitioner~~
~~petition~~
The petition with its enclosures
should be returned

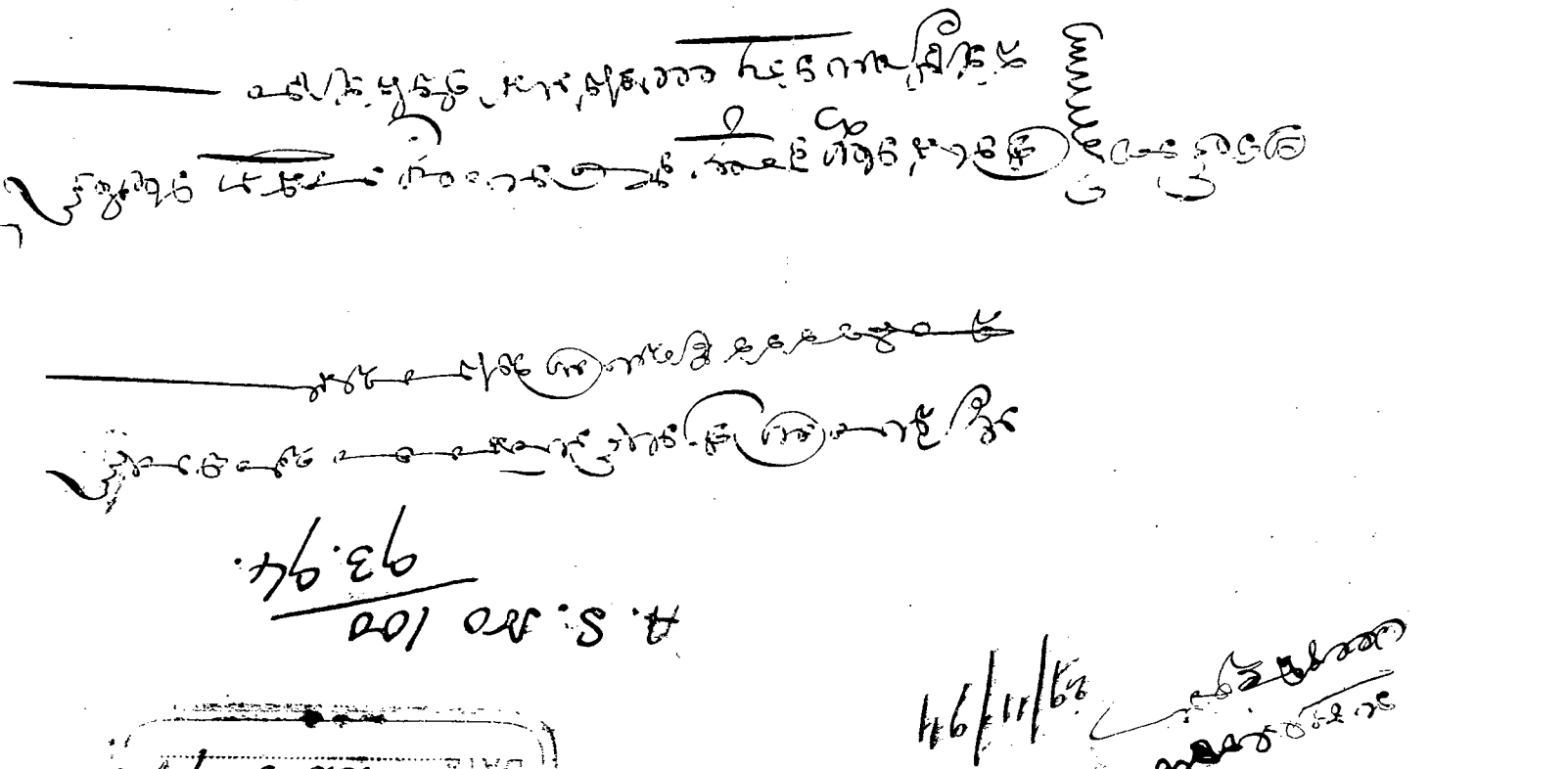
By Order,

[illegible]
Chief Secretary.

BANGALORE, 21
April 189[illegible]

21/4

I. G. C. P. Bangalore.—21-11-92—3,000.



14-7-93

14-7-93

13

In the Court of the Sub division Officer
French Rocks.

Before K. Mahamudali Esqr.
Sub division Officer
Dated 11th July 1893.

Revenue Case No. 2 of 1809-90

Plaintiff	Defendant
Gowday Gowda ~~Pet~~	Siddu Gowdah

Judgment

1. Suit for the Poliali of Kurimunti-village Pallally Hobli Serungapatam Taluk.
2. Plaintiff states that he is the adopted son of Kully Gowda who was the yejaman-Gowda of the village, that he was doing duties of the Poliali for 12 years after his father's death, i e in 1847-48 that his name was duly registered in the Barabalosthi Register of 1861-62, that he continued in duty for two years when however owing to family —

inconveniences he appointed his uncle Marigowda (defendant's father) as his agent in 1863-64, that after his death in 1887 he (Plaintiff) was appointed to the Potaili on 27th February 1888 and was doing the duties for one year, but subsequently when the defendant refused to handover the mortuary register, he was directed to prefer a regular suit and that the defendant was appointed to the Potaili by the Sub Division Officer.

3. Defendant states that there was no Potail or Gajaman to the village prior to 1863-64, that he is not aware how the name of the plaintiff came to be entered as Hukdar in the Barabaloothi Register of 1861-62 that his father Marigowda was appointed as Potail in 1863-64 and that he is the proper claimant to the Potail.

4. The following issues were framed.

1st Who was conducting the duties of the Potaili of Karimuntli village prior to 1861-62 was there any hereditary Potail

2nd Sitting

I

II

III

IV

V

VI

VII

VIII

IX

prior to it?

2nd No guardian was ever appointed on the Kuttay Guardian.

3rd Plaintiff appointed Patail of Karimunti in 1961-62.

4th Why the defendant's father was ordered to conduct the duties of the Patail in 1863-64.

5th And the plaintiff at any time after 1863- do the duties of the Patail, if so under what circumstances.

6th And Puranjoruda acquire any right to the Office by the period during which he conducted the duties of Patail.

7th Is the suit barred by limitation.

5. Plaintiff examined to witness and filed the following exhibits.

A. Petition of Guardian dated 22 January 1888 to the Serangapatam Zaleh.

B Amildar's report to the Sub Division Officer No. 1215. dated 15-2-88.

C Sub division order to the Zaleh No. 145 dated 27-2-88.

D Copy of the Mookteary register of the Village for December 1866.

E. Copy of Bombay Register of the Ship
for June 1857.

F. Sheet Roll No. 309 dated 10-7-
of the Sub Division Officer

G. Sub Register Book No 20 dated 10-12-

H. Roll prepared by Sarkar in Persian
(1842-50,

I. Copy of the Jamabandi statement.

J. Persian Settlement Roll 61-62.

K. Patwari's Book and 4 Settlement
and field Map

L. Register of Sales granted by the
Survey (Inspector Officer) in 1864-65

M Copy of the Patwari's Register 1868-69

N " " " of 1869-70

O " " " of 1872-

P " " Land Register of 1876.

Q Seven Rakabs received to Survey Parties
from Civil Stores 4th December 1875
15th October 1878.

R Public Sheet Sheet Roll No. 71
dated the Survey 1877, Copy.

S Copy of the Sheet under No. 105
13th June 1877.

T Extract Register of Records in the Office
1877-78.

U No. Register of By

11th Kharashumari and Paikani accounts of Karimunda village from 1980-81 to 1986-87.

12th Copy of Kharashumari account of do for 1965-66.

13th Serungapatam Amildari's report No. 135 dated 12th June.

With regard to the 1st issue although the general oral evidence points out to the fact that Kulley Gowda was the conventional Pyjamari Gowda of the village prior to 1961-62, A.2 however does not show that there was any constituted or hereditary hold ... it.

With regard to the 2nd issue the defendant does not contend that the plaintiff Gowda Gowda is not the adopted son of the above Kulley Gowda. The issue is therefore determined in favour of the plaintiff.

With regard to the 3rd issue I notice that in the Karabalothi register of 1961-62, where the name of the plaintiff appears in the Column of Jenkidar, the following remark is also entered regarding him in the Column showing the name of the person actually performing the duties or conce... when the Kharashumari Kathawari accounts are being prepared.

From this it may follow that he was doing the duties of the police to certain extent.

The decision of the remaining issues and the merits of the case depend on the entries of the Barabato-Kie register of 1963-64 and all those subsequent to it and such other records which have issued regarding the respective claims of the parties since then.

It must be pointed out that in the Barabato-Kie register of 1963-64, the plaintiff's name disappears from the column showing the name of the Headman and in the column showing the names of the person actually performing the duties the defendants fathers name is entered without any remark regarding the connection of the plaintiff in any manner as noted in the register of 1963-64.

The plaintiff explains that in 1963-64 he appointed the defendants father as his substitute for private reasons but there is no record to prove this. The mere vague evidence of the plaintiff witness to show that the plaintiff and

and the defendants father helped each other in conducting the duties, does not prove that the latter was appointed as the former's substitute as alleged by him, when the plaintiff has failed to prove the fact satisfactorily. I must presume that in 1863-64 the Defendant's father must have been appointed as patil at the option of Government irrespective the remarks entered in the previous register in favour of the plaintiff's father as he at the time appears to have been leading a joyful life as seen from exhibit J.

With regard to the 5th issue it is evident from exhibit No. 13 that the plaintiff did act for the defendant's father in 1877 but it was only when the latter had gone away on leave.

With regard to the 6th issue I cannot lay great stress on exhibit D- and E the Mortuary Register which are signed by the plaintiff. It is very common for these registers being signed by some relative of the patil when he is absent

for
~~parish~~ here. Even the Chairman says very
often signs these registers for the potail.
It is only for the transaction of business.
It does not in itself create any future
right to the office. I cannot also say any
stress on the fact of the plaintiff having
been appointed potail after the death of the
defendant's father in 1880. It is apparent
from the Surveyors report exhibits F. G
and E and C that plaintiff was so appointed
by a mistake, which was immediately corrected
by appointing the defendant on a further
enquiry being held.
The plaintiff may consider himself
to be an Hereditary to the office being the
adopted son of Kulloy Sowda and as he
has from time to time been entrusted with
the duties in the absence of the defendants
father, but the question is whether the
plaintiff can at this period oust the
defendant who succeeds to the office
by virtue of a father who was the
potail of the village since 1863-64.
The plaintiff in any opinion has

has lost his claim by his own laches by sleeping over his right if any, and by affording the defendants father an adverse possession of nearly 24 years -

I therefore also consider that the suit is barred by limitation -

The suit is therefore dismissed with costs,

(Signed) K. Mahmmadalli

Camp:
10-7-93 Sub Division Office

Appeal 105 of 93. 94.

22 (7)

Appellant
Tedde Gowda
Son of Gowde Gowda
of Karimanle
Seringapatam Taluk
represented by Mr
S. Ramaswamy Ayyar

Respondent
Tedde Gowda

L.R. 108 of 93-94

Appellant's father Tedde Gowda sued for the establishment of his right to, and recovery of possession of the office of Patel of Karimanle village. The Sub-Assistant Commissioner, Seringapatam, dismissed the suit, and the Deputy Commissioner on appeal confirmed the decision of the Court of first instance. Gowda having subsequently died, his son therefore preferred the second appeal

1. On the ground that the suit was barred by the law of limitation

24

Reimbursed Accounts.
This is the proof of Goode
Brooks having been
appointed as Rebel
fact of a Colonel thus
there was no Rebel for
the village at that
time. Goode Green's
name does not appear on all
Registers in which the
name of the Confederate
Father is entered as the
officiated. In the absence
of any reliable evidence
beyond the vague entry
in the Register of 1861-62
the appellants right to the
office cannot be admitted

The appellants allega-
tion that Mrs Goode was
permitted to officiate for
her father, is equally un-
supported by evidence. And

is unreliable. Mari Gowda was for the first time recommended for appointment as Patel of the village in question in 1864. And this is supported by the entry in the Register for 1863-64. He accordingly performed the duties till his death which occured in 1887. In 1875 Mari Gowda having had occasion to go on a pilgrimage and to take leave for the purpose Gowde Gowda was appointed as his substitute. This is proved by Exhibit 78. —

In 1887 when Mari Gowda died, Gowde Gowda was appointed as Patel, which appointment on the Complaint of Respondent, was forthwith Cancelled. As Appellant has in the present ~~first~~ case failed to establish his right to the office, the Suit has been properly dismissed. This appeal is therefore rejected.

Court's Abstract
19/8/11

No. 8507 of 1894
Pl. for Cmmr returning the records received with his letter dated 15-8-94

19-11-94

The Claim of Catherine
is that he is the here-
ditary Caleb of the village,
that his father allowed
Mari Gaunda father of the
Respondent to do duties
& substitute for him
And that consequently
the Grant is not barred
by limitation.

The only document
relied upon by appellant
to prove his claim to the
office is the Bainbandi
Register of 1861-62. On
the hearing appellant's
Advocate was not able
to refer to any other
document. The entry
in the said Register,
which was for the first
time prepared under
the orders of the late
Collector Mr. Hart the
Mamlatdar Gowda Annaji
Gowda Annaji
examined in the
presence of the

No. L.R. 108-93-5

MYSORE DEWAN'S OFFICE,

PETITION DEPARTMENT,

189

Endorsement granted to Lidde Sunda, Dis. Guard
Gunda, Kirumale village, Tenugapatam Taluq

in reply to his Petition Registered No. 277 dated ~~—~~ not taked
C. S. 1889-94
appealing against the decree of the C. Court, Hyasan
Confirming that of the Sub Judge's Court Kolar in O.S.
2 of 1889- So rejecting the dismissal of the Suit brought for
the establishment of his right to hold the Recordy of possession
of the Office of Patel of Kirumalle.

Petitioner is informed that

Pet is informed that the
decrees of the lower Courts
have been Confirmed and
this appeal dismissed

Enclosure is returned

"By Order",

Chief Secretary.

M. G. C. P. Bangalore—6-3-94.—2000.

(8)

ಪತ್ರಾಂಕ
277.

ಇ ಇತ್ಯಾದಿಯಾಗಿದ್ದ ಪತ್ರಿಕೆಯಲ್ಲಿ

ನಿಮ್ಮ ಗಮನಕ್ಕೆ ತರಲು ಕೋರಿದೆ. ಇದಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟಂತೆ

ನಿಮ್ಮ ಅಭಿಪ್ರಾಯವನ್ನು ಶೀಘ್ರವಾಗಿ ತಿಳಿಸಬೇಕಾಗಿ ಕೋರಿದೆ.

ಈ ಸಂಬಂಧದ ಪತ್ರವ್ಯವಹಾರಗಳನ್ನು ಕೈಗೊಳ್ಳಲು ಕೆಲವು ಸಂಸ್ಥೆಗಳಿಗೆ ಅಧಿಕಾರವನ್ನು ನೀಡಲಾಗಿದೆ. ಅಂತಹ ಸಂಸ್ಥೆಗಳಲ್ಲಿ ಒಂದಾದ ಕರ್ನಾಟಕ ಪ್ರಾಂತ್ಯ ಕಾಂಗ್ರೆಸ್ ಸಮಿತಿಯು ಈ ಸಂಬಂಧವಾಗಿ ಕೆಲವು ಪತ್ರಗಳನ್ನು ಬರೆದಿದೆ. ಅವುಗಳಲ್ಲಿ ಒಂದು ಪತ್ರವು ದಿನಾಂಕ 22-3-94 ರಂದು ಬರೆದಿರುವುದಾಗಿ ತಿಳಿದುಬಂದಿದೆ.

ಈ ಪತ್ರಗಳಲ್ಲಿ ಕಂಡುಬಂದಿರುವ ವಿಷಯಗಳು ಸಂಬಂಧಪಟ್ಟ ಅಧಿಕಾರಿಗಳಿಗೆ ತಿಳಿದಿರುವಂತೆ ಕಂಡುಬರುತ್ತದೆ.

ಆಜ್ಞೆಯಂತೆ

ಸಹಿ/-

ಅಧೀನ ಕಾರ್ಯದರ್ಶಿ

ಅಧೀನ ಕಾರ್ಯದರ್ಶಿ